

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DAVID KATZ

Plaintiff,

COMPLAINT AND DEMAND  
FOR JURY TRIAL

-against-

JZANUS LTD.

Defendant.  
-----X

'11 CIV 8295

JUDGE SEIDEN

Plaintiff by and through his attorney Kleinman LLC, complaining of the Defendant,  
respectfully alleges and shows to the Court as follows:

#### INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (hereinafter "FDCPA") which prohibits debt collectors from engaging in abusive, deceptive and unfair practices violation of the New York State General Business Law as well as the torts of negligence and gross negligence.

#### JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. 1692k(d), 28 U.S.C. section 1337 and supplemental jurisdiction exists for State law claims pursuant to 28 U.S.C. section 2201 and 2202 and New York State law.

Venue in this District is proper in that the Defendant transacts business here.

### **PARTIES**

3. Plaintiff David Katz is a natural person residing in Rockland County, New York.
4. Plaintiff is a “consumer” as defined by 15 U.S.C. section 1692(a)(3).
5. Defendant Jzanus Ltd. is a Domestic Business Corporation located at 170 Jericho Turnpike, Floral Park, New York. Defendant attempts to collect debts alleged to be due another.

### **FACTUAL ALLEGATIONS**

6. On or about November 18, 2010, the Defendant sent a collection letter to Plaintiff concerning his insured medical claim. **Exhibit A.**
7. Upon information and belief, Plaintiff is not responsible for copayment.
8. On December 1, 2010, Plaintiff disputed the validity of the debt. **Exhibit B.**
9. On December 2, 2010, defendant, with dispute in hand, telephoned Plaintiff and attempted to collect the disputed debt.

### **CAUSES OF ACTION UNDER THE FDCPA**

10. Plaintiff repeats and realleges and incorporates by reference the foregoing paragraphs.
11. Defendant violated 15 U.S.C. sections 1692(d), 1692e, 1692e(10), 1692g and 1692g(b).

12. Defendant Jzanus Ltd. violated 15 U.S.C. section 1692d in that it engaged in conduct the natural consequence of which is to harass, oppress and/or abuse the Plaintiff. Defendant's actions include but are not limited to attempting to collect disputed debt for which the consumer bears no obligation.
13. Defendant violated 15 U.S.C. sections 1692e and 1692e(10) in that defendant used false, deceptive and or misleading representations and/or means in connection with the collection of a debt, by stating that Plaintiff did not contact the Defendant regarding her dispute.
14. Defendant violated 15 U.S.C. sections 1692g, 1692g(a)(3) and 1692g(b) by persistently attempting to telephonically collect twenty dollar disputed debt rather than providing verification of debt.

**CAUSES OF ACTION UNDER NEW YORK GENERAL BUSINESS LAW**

15. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.
16. Defendant violated New York General Business Law section 349 et seq. Defendant's violations include, but are not limited to the following:
  - (a) By attempting to collect debt without a basis.
  - (b) By attempting to collect payment from a consumer who bears no obligation.
  - (c) By maintaining a policy of telephonically collecting disputed twenty dollar debt rather than providing verification.
17. Plaintiff suffered actual damages as a result of the Defendants actions.

**NEGLIGENCE AND GROSS NEGLIGENCE**

18. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.
19. Defendant's actions and omissions as described herein constitute negligence in that Defendant owed Plaintiff a duty of reasonable care in the collection of alleged debt, said duty was breached and said breach was the proximate cause of damages suffered by Plaintiff.
20. Defendant's actions and omissions described herein constitute gross negligence in that Defendant owed Plaintiff a duty of reasonable care in the collection of the alleged debt, said duty was breached, said breach was the proximate cause of damages suffered by Plaintiff and Defendant's actions and omissions demonstrate a want of scant care and indifference to the rights of Plaintiff. Defendant's actions were willful, malicious and reckless. Defendant's actions were highly unreasonable and demonstrate an extreme departure from ordinary care.
21. Plaintiff is entitled to punitive damages for the actions and omissions of the Defendant as described.

**DAMAGES**

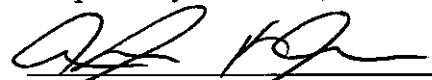
22. Because of the acts and omissions of Defendant as described, the Plaintiff has suffered worry and mental distress. Further, Defendant's acts and

omissions are willful, malicious and demonstrative of a reckless disregard for the Plaintiff's rights and well being.

**WHEREFORE**, Plaintiff respectfully requests that judgment be entered against Defendant, for the following:

- a. Statutory damages pursuant to 15 U.S.C. section 1692k;
- b. Actual damages;
- c. Statutory damages pursuant to New York General Business Law;
- d. Costs and reasonable attorney's fees pursuant to 15 U.S.C. section 1692k and New York General Business Law;
- e. Punitive damages pursuant to New York law; and
- f. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,



Abraham Kleinman (AK-6300)  
KLEINMAN LLC  
626 RXR Plaza  
Uniondale, New York 11556-0626  
Telephone (516) 522-2621  
Facsimile (888) 522-1692

**DEMAND FOR JURY TRIAL**

Please take notice that Plaintiff demands trial by jury in this action.



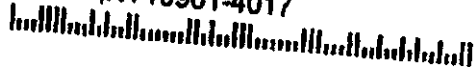
Abraham Kleinman

**EXHIBIT A**

JZANUS, LTD.  
OUTPATIENT DEPARTMENT  
170 JERICHO TURNPIKE  
FLORAL PARK, NY 11001-2024  
516-394-8260 Fax 516-358-1694

11/18/2010

David Katz  
85 Highview Rd  
Suffern, NY 10901-4017



Client		
WESTCHESTER MEDICAL CENTER		
Account #	Patient	
66971060-5101	DAVID KATZ	
Admit Date	Amount	AMT. PD
04/12/2010	\$20.00	

New York City Dept. of Consumer  
Affairs License # 0885012

Detach and keep this top portion for your records.

Dear DAVID KATZ:

Your account has been placed with us for collection or debt resolution. Please contact us regarding this matter.

THIS IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL ASSUME THAT THIS DEBT IS VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN 30 DAYS FROM RECEIVING THIS NOTICE, THIS OFFICE WILL OBTAIN VERIFICATION OF THE DEBT OR OBTAIN A COPY OF A JUDGMENT AND MAIL YOU A COPY OF SUCH JUDGMENT OR VERIFICATION. IF YOU REQUEST THIS OFFICE IN WRITING WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE, THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR. IF DIFFERENT FROM THE CURRENT CREDITOR.

If payment is made, please make your check or money order payable to WESTCHESTER MEDICAL CENTER (include your account number), or you may make a credit card payment by going to our website at [www.payizanus.com](http://www.payizanus.com). See the back of this letter if you want to provide insurance information.

If you have any questions, please call us at 516-394-8260, Monday through Friday, 8:00 am - 8:00 pm and Saturdays from 8:00 am - 3:00 pm.

Your account representative is Kelly O. - extension 3205

Client		
WESTCHESTER MEDICAL CENTER		
Account #	Patient	
66971060-5101	DAVID KATZ	
Admit Date	Amount	AMT. PD
04/12/2010	\$20.00	

A1

CARDHOLDER'S NAME	
<input type="checkbox"/>	<input type="checkbox"/>
CARD NUMBER	EXP. DATE
<input type="checkbox"/>	<input type="checkbox"/>
SECURITY CODE	AMOUNT
<input type="checkbox"/>	<input type="checkbox"/>
PRINT CARDHOLDER'S NAME	
<input type="checkbox"/>	
SIGNATURE	
<input type="checkbox"/>	

JZANUS, LTD.  
PO BOX 415789  
BOSTON MA 02241-5789



**EXHIBIT B**



David Katz  
85 Highview Road  
Suffern, NY 10901

**SENT VIA FACSIMILE TO 516-358-1694**  
Jzanus, Ltd.  
170 Jericho Turnpike  
Floral Park, NY 11001-2024

December 1, 2010

Dear Jzanus, Ltd.,

Enclosed please find a copy of your November 18, 2010 collection letter. Please be advised that:

1. I dispute the validity of all parts of the above referenced Westchester Medical Center debt.
2. Please send me verification of this disputed debt.
3. Please send me the true and full corporate name of the creditor.
4. Please send me the address of the original creditor.
5. Please send me the name of the original creditor.

Sincerely,

  
David Katz

TRANSMISSION VERIFICATION REPORT

TIME : 12/01/2010 14:18  
NAME : LAW OFFICES  
FAX : 8456240288  
TEL : 8456240288  
SER.# : BROKBJ878338

DATE, TIME	12/01 14:17
FAX NO./NAME	15163581694
DURATION	00:00:26
PAGE(S)	02
RESULT	OK
MODE	STANDARD
	ECM